

**WILLIAMSBURG CITY COUNCIL
MARCH 13 2003
MINUTES**

The Williamsburg City Council held its regular monthly meeting on March 13, 2003, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Nester, Hudson, Serra, and Yost.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Houghland Moved Approval of the City Council Minutes of February 10 and 13, 2003. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

PUBLIC HEARINGS

Proposed Community Development Block Grant Application for the Braxton Court Neighborhood Revitalization/Comprehensive Community Development Project.

Council members received a copy of the Notice of Public Hearing for this item prepared by the Williamsburg Redevelopment and Housing Authority (WRHA), as well as a packet of information about the project. The proposed Community Development Block Grant application to be submitted to the Virginia Department of Housing and Community Development for the Braxton Court Neighborhood Revitalization/Comprehensive Community Development Project was presented for public comment.

Mr. James Gurganus and Mr. Ken Poore, Consultant, of K.W. Poore and Associates, Inc., Richmond, Virginia, were present. Mr. Gurganus, representing the Williamsburg Redevelopment and Housing Authority asked for Council's approval for the project. He explained that monies from the grant, the city, the Housing Authority, and the businesses on Scotland Street would fund the project. The improvement project would include housing rehabilitation, infrastructure improvements, commercial façade improvements, and blight clearance. He noted that one issue still to be resolved is that of a dilapidated house that straddles a property line with two different owners. The house will be demolished. The WRHA Board recommended approval of this project to preserve the historical significance of the neighborhoods, which was the first African-American inter-city development. The Housing Authority has held many meetings with the residents and businesses in the Braxton Court area.

Mr. Poore added that local contributions would enhance the application to the Virginia Department of Housing and Community Development. Also, the fact that 82 percent of

residents in the neighborhood are in the low to moderate-income bracket. He reviewed the deficiencies in the area as outlined in the packet of information provided to Council members. The WRHA will provide relocation assistance to tenants while the improvements are being done. Businesses on Scotland Street will cooperate to improve their exterior appearance and site improvements. If Council approves the request, the proposed resolution authorizes the City Manager to file for the grant.

Mayor Zeidler thanked Mr. Gurganus and Mr. Poore.

Mayor Zeidler opened the public hearing.

Mr. Robert A. Braxton, owner of 128 Braxton Court, and the grandson of Robert H. Braxton, for whom the Court was named. Mr. Braxton read his statement and presented a copy to the Clerk of Council (see attached). He provided a brief history about Braxton Court. He asked Council to supplement grant funds to insure that Braxton Court streets are shaved and resurfaced, curbing installed, the sewer system upgraded as proposed, and that all utility wires be placed underground, not just laterals, to reduce visual impact.

Mr. Oscar Blayton, representing the Blayton Family, 116 Braxton Court and 745 Scotland Street, presented a letter for the record regarding the proposal, as well as a petition signed by residents and property owners of the Braxton Court Neighborhood "In Opposition to the Application for Funding For the Braxton Court Project Where the City and Its Subcontractors Do Not Forgo the Exercise of the Power of Eminent Domain (see attached). He and Colonial Investors encouraged demolition of 747 Scotland Street, but noted that they were not interested in giving the property to the Housing Authority. He urged that the Authority involve neighbors to provide input. He asked that a better plan be developed.

Glen Gormley, Green Leaf Café, favored the development proposal. He approved of the improvements the city has made downtown. The city needs more parking and revitalization. He urged Council to vote in favor of the proposal.

Mario Kokolis, 230 N. Boundary Street, owner of the Green Leaf property, spoke in support of the project.

Jean Stewart, 118 Braxton Court, stated her concern about the residential area. This is a good project for now, but what about years later. Will their property be gone? Other black communities that were in the city are now gone; is the city interested in obtaining the Braxton Court area. While she wants an improved neighborhood, she does not like to think that at a later date their property would be taken from them.

No one else wished to speak. The public hearing was closed.

Council members discussed the development proposal. Mr. Houghland stated that he regretted that Council did not vote to underground wires in the Wales Subdivision when it was improved. The Braxton Court project is a good project and Council should give consideration to the concerns expressed. Mr. Tabb favored the project. Mr. Scruggs stated that Council wants to protect neighborhoods. He understood that neighbors fear eminent domain and condemnation, but he would always support a homeowner. He has not seen anything in the proposal about a resident being removed from the neighborhood.

The project has positive benefits for both Braxton Court and the city. Mr. Haulman, Council's representative on the Housing Authority Board, commented that the neighborhood has had much input about the project. The project will be done with an emphasis on sustaining affordable housing. Braxton Court is an important historical neighborhood to the city and to the downtown area.

Mr. Scruggs Moved that City Council Approve Proposed Resolution #03-05, Authorizing the Preparation and Filing of An Application for Community Improvement Grant Funds Under the Small Cities Community Development Block Grant Program of the Commonwealth of Virginia, to Assist In the Implementation of the Braxton Court Comprehensive Community Development Project. The Motion Was Seconded by Mr. Houghland.

Mr. Houghland Moved a Substitute Motion that Resolution #03-05 be Adopted with the Amendment that All Utilities in the Redevelopment Project be Placed Underground. The Motion Was Seconded by Mr. Haulman.

Attorney Phillips advised Council to vote on the Substitute Motion, then the Main Motion.

Mr. Scruggs stated he did not support the Substitute Motion because Council did not know the cost of undergrounding wires. The city already has a program for undergrounding wires in communities, and the city could add undergrounding in the area in at a later date. Ms. Zeidler said she was in a dilemma. She would like to see the wires underground, but would like to have more information about the cost to do so.

Recorded Vote on the Substitute Motion:

Aye: Houghland, Tabb

No: Haulman, Scruggs, Zeidler

The motion failed.

Mr. Haulman commented that while he would like to see the wires underground, Council needed to know the actual cost to do so and the impact that cost would have on the city's budget.

Recorded Vote on the Main Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

(See Adopted Resolution #03-05)

PCR #03-04: Request for a Special Use Permit for an Automobile Dealership at 3000, 3012, and 3016 Richmond Road, Zoned B-2 Tourist Business District, to relocate and expand Williamsburg Chrysler-Jeep-Kia.

Reference for this item was Mr. Nester's report dated March 13, 2003. Mr. Nester explained that plans are to relocate and expand the Williamsburg Chrysler-Jeep-Kia business from 1440 Richmond Road to 3000-3016 Richmond Road, between Williamsburg Motor Court and the East Coast Gas Station. The property is zoned Tourist Business District B-2 which permits automobile establishments with approval of a special use permit under specific criteria. While the Planning Director or Planning Commission may require additional studies for the project, staff does not feel that any additional studies are needed. The ARB approved the conceptual building design with conditions, and the Planning

Commission recommended that Council approve the special use permit subject to five conditions as recommended by staff. Mr. Nester reviewed the conditions.

Mayor Zeidler opened the public hearing.

Mr. Tim Trent, Kaufman and Canoles, Represented Mr. Alan Julian, owner of the dealership, commended Mr. Nester and Ms. Murphy for their work on this matter. This request is in harmony with the Zoning Ordinance requirements and is not out of character with surrounding uses. The open space provided exceeds what is required and there is more than double the amount of trees required. A Stormwater management facility is already on site. This proposed plan meets the city's requirements and they will work with the city to develop the final site plan. The applicant agrees with the conditions imposed.

No one else wished to speak. The public hearing was closed.

Mr. Scruggs commented that he was pleased to see city businesses retained in the city. He commended staff for their work.

Mr. Houghland Moved That City Council Approve the Special Use Permit for An Automobile Dealership for Sale and Servicing of New and Used Automobiles and/or Vehicles at 3000, 3012, and 3016 Richmond Road, With the Following Conditions:

- 1. The special use permit approves the conceptual site plan "Preliminary Layout for Williamsburg Chrysler-Jeep-Kia, located on Richmond Road, Williamsburg, Virginia" prepared by Site Improvement Associates, Inc., dated 02-11-03.*
- 2. The special use permit is approved for a total building floor area of 23, 290 square feet (19,390 square feet for the initial building, 3,000 square feet for the future addition, and 1,000 square feet for future minor site plan additions).*
- 3. The final site plan is to be approved by Planning Commission, including the final lighting plan (the Commission is authorized to specify the wattage of the lighting and the height of the light poles).*
- 4. The final architectural plans are to be approved by the Architectural Review Board.*
- 5. No outdoor public address system is to be utilized because of the proximity of the business to residential areas.*

The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

PCR #03-05: Amendment of the Zoning Ordinance to allow additional freestanding signs for single businesses and shopping centers located on lots with large frontages, Proposed Ordinance #03-04.

Reference for this item was Mr. Nester's report dated March 13, 2003. Mr. Nester explained that staff had been reviewing the city's sign regulations for developments along corridors that have large frontages on public streets. Staff felt there was justification for additional freestanding signage in certain instances where it was appropriate. Mr. Nester reviewed the recommended changes to certain sections in the proposed ordinance that allow additional freestanding and monument signage in specific, limited locations in the city's commercial corridors. All signage will be reviewed by the ARB. Mr. Nester used an

overhead map to explain the areas of the city where additional signs may be allowed. Planning Commission recommended that Council approve the revisions to the sign regulations as detailed in the proposed ordinance.

Council members had no questions of Mr. Nester.

Mayor Zeidler opened the public hearing.

No one wished to speak. The hearing was closed.

Mr. Tabb Moved That City Council Adopt Proposed Ordinance #03-04, An Ordinance Amending Chapter 21, Zoning, by Revising Article Vi. Signs, Governing the Number of Freestanding Signs Allowed in the Corridor Sign District. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None (See Attached Adopted Ordinance #-03-04)

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Mr. Clayton noted that the Waller Mill Reservoir was still down ten inches, and more rain is needed.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

City Manager Reports

Pedestrian Railroad Crossing on Henry Street, Proposed Resolution #03-03

Reference for this item was Mr. Tuttle's report dated March 4, 2003, which included a copy of the proposed resolution. Mr. Clayton explained that the city applied and will receive grant funds from the State Transportation Board to improve the pedestrian crossing at the CSX Railroad crossing at North Henry Street. The proposed improvements include the addition of pedestrian gates at the tracks and sidewalk. The proposed resolution requests that VDOT program an urban highway project in Williamsburg, and that the city will pay its share of the total cost of the project. Staff recommended adoption of the proposed resolution.

Council members were pleased with the railroad-crossing project.

Mr. Haulman Moved That City Council Adopt Proposed Resolution #03-03, Project Programming Resolution Highway Safety Improvement—North Henry Street at the CSX Railroad. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None (See Adopted Resolution #03-03)

**Virginia Department of Transportation Land Use Permit Guidelines and Assurances,
Proposed Resolution #03-04**

Reference for this item was Mr. Tuttle's report dated March 5, 2003, which included a copy of the proposed resolution, which certifies that the city will carry liability insurance to protect VDOT for work activities performed by the city in VDOT right-of-way. The resolution states that the city will comply with the provisions of Land Use Permits required for work done in the right-of-ways. Passage of the resolution will preclude the city from having to obtain a Certificate of Insurance every time work is done in a VDOT right-of-way. Staff recommended that Council adopt the proposed resolution.

Council members had no questions.

Mr. Haulman Moved That City Council Approve Proposed Resolution #03-04, Providing for VDOT Land Use Permit Guidelines and Assurances. The Motion Was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

(See Attached Resolution #03-04)

Hampton Roads Metropolitan Medical Response System Strike Team Agreement

Reference for this item was Mr. Tuttle's report dated March 5, 2003, which included a copy of the proposed agreement. Mr. Tuttle said that Council had heard a presentation from Chief Weiler regarding the Strike Team at the March 10 work session. Our region is one of the first in the country to get operational. The Metropolitan Medical Response System Strike Team is a medical response system to support a major incident/disaster in our region with a high degree of on scene medical support. Team members from the city's Fire Department are Chuck White (Technical Support), Andy Masowich, Chris Bell, and Brian Mason (Operations), and from the Police Department, Officer Mike Rice. The City of Williamsburg is being asked to formally acknowledge sponsorship of our MMRS Strike Team members to serve in leadership and responder roles. Mr. Tuttle recommended that he be authorized to execute the agreement.

Council members had no questions.

Mr. Haulman Moved That City Council Approve The Hampton Roads Metropolitan Medical Response System Strike Team Response Agreement, and that the City Manager be Authorized to Execute the Agreement. The Motion Was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

Litter Control and Public Awareness Campaign

Reference for this item was Mr. Tuttle's report dated March 6, 2003, and a copy of the proposed litter control activities and public awareness campaign information. Council recently included in its Goals and Initiatives for 2003 and 2004, the initiative to develop a litter awareness campaign by fall of 2003.

Mr. Tuttle said that Dan Clayton, Tammy Sarver, and Jodi Miller studied the existing litter

control efforts and came up with the proposed campaign. Mr. Tuttle reviewed the existing, continuing, and proposed litter control and public awareness objectives. He asked that Council approve the campaign as outlined.

Mayor Zeidler was very pleased with the campaign. She has been concerned about litter in our city. She noted that Mr. James Westmoreland was present and will help the city team to put these ideas into reality.

Mr. Tuttle agreed to look for locations for trash cans around the city, as suggested by Mr. Houghland. Council members concurred this was a good program.

Mr. Tabb Moved That City Council Approve the City of Williamsburg Litter Control and Public Awareness Campaign, to Begin spring 2003. The Motion Was Seconded by Mr. Houghland.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None (See Attached Campaign Information)

City Attorney Report

Report on HB 1678 Rental Housing Registration and Inspection

Mr. Phillips reported that both the House and Senate passed the amended version of House Bill #1678. The bill will mandate changes to our adopted rental inspection program. The registration requirements will have to be removed. Many localities have asked Governor Warner veto the bill. The city has sent a letter to the Governor stating our dissatisfaction with the bill and asked for a version that would save our program. Mr. Phillips will keep Council updated.

Mayor Zeidler thanked Mr. Phillips and Christine Workman for their work on this matter. She would have preferred the General Assembly not deal with this matter.

APPOINTMENT TO BOARDS AND COMMISSIONS

Mr. Houghland Moved That City Council Appoint Mr. James Kammert to the Industrial Development Authority, to Fill the Unexpired Term of Mr. David Shultz, to Expires June 30, 2004. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb

No: None

OPEN FORUM

Mayor Zeidler opened the comment session.

Mr. Robert Bond, 416 Suri Drive, addressed Council in support of 30 cents per pack cigarette tax. It is estimated that 850,000 packs are sold within the city, which could amount to a quarter of a million dollars in added revenue. There are also social, environmental, and health concerns caused by smoking. He recently picked up 1172 cigarette butts from Jamestown Road in one day. He hoped that by passing a tax on cigarettes, many people would be persuaded to kick the habit.

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No one else wished to speak. The session was closed.

The meeting adjourned at 3:45 p.m.

Approved: April 10, 2003

Shelia Y. Crist, Clerk of Council

Jeanne Zeidler, Mayor